

09 Feb 2022: UPSC Exam Comprehensive News Analysis

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A. GS 1 Related

Nothing here for today!!!

B. GS 2 Related

Category: POLITY

1. [The Governor's role in approving a Bill](#)

Syllabus: Separation of Powers between various organs

Prelims: Related Constitutional provisions

Context:

- The **Tamil Nadu Assembly has once again adopted a Bill**, granting exemption from the mandatory National Entrance-cum-Eligibility Test (NEET) for seats allotted by the Government in undergraduate medical and dental courses in Tamil Nadu. Notably, **this bill was earlier returned by the [Governor](#)**.
- This development brings to question whether a Governor can override the decision of the Legislative Houses. In this context, the article discusses the related constitutional provisions.

Related Constitutional Provisions:

Article 200:

- Article 200 deals with the **Governor's function in passing a Bill of the state legislature**.
- Under Article 200 of the Indian Constitution, the Governor may **(a) grant assent (b) withhold assent (c) return for reconsideration by the Legislature or (d) reserve for the consideration of the President** any Bill passed by the State legislature and presented to him for assent. Notably, there is **no timeframe** fixed in the Constitution for any of these functions.
- Article 200 enables the Governor to return a Bill, that is not a Money Bill, with a message requesting the House, or Houses, if there is an upper chamber, to reconsider the Bill, or any provisions, and also consider introducing amendments he may recommend. The House will have to reconsider as suggested. **If the Bill is passed again, with or without changes, and presented for assent, "the Governor shall not withhold assent therefrom"**.
- The Governor shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

Interpretation of the constitutional provision:

- The **Governor does not have discretion on matters of the Assembly and is bound to follow the advice of the ministerial Council even on matters where he/she might be withholding assent**. Going by this interpretation the Governor will now have to grant his assent to the Bill under question as mandated by Article 200 of the Constitution.
- Also, a general understanding of the functioning of the constitutional framework suggests that the Governor, who normally **functions on the aid and advice of the Council of Ministers**, is bound to go by their advice in the matter of granting assent to bills of the state legislature. An analysis of the **[debates of the Constituent Assembly](#)** also emphasizes the same principle.
- The framers of the Constitution envisaged such a provision to accommodate any of the following situations:

- When the Council of Ministers feels that a Bill has been hastily adopted or that it requires changes, the Council may want to recall its Bill, and accordingly advise the Governor to return it.
- If after a Bill is passed the Ministers resign before the Bill gets the Governor's assent, the new Ministry may not want to go ahead with the Bill and might advise against assent being given. This was also noted by the Sarkaria Commission on Union-State Relations.

Article 201:

- Article 201 of the Indian Constitution deals with provisions related to **bills reserved for the consideration of the President**.
- As per Article 201, when a Bill is reserved by a Governor for the consideration of the President, the **President shall declare either that he assents to the Bill or that he withholds assent therefrom**.
- The President may also direct the Governor to **return the Bill, where the Bill is not a Money Bill**, with a message. When a Bill is so returned, the House or Houses shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the House or Houses with or without amendment, it shall be presented again to the President.
- Notably, there is **no timeframe mentioned** for the above provisions.

Interpretation of the constitutional provision:

- Given that the current bill under question has been enacted under an entry in the **Concurrent List** on a subject that is covered by a **central law**, the bill will have to be sent to the President for his assent.
 - NEET is mandatory under Section 10D of the Indian Medical Council of India Act, an amendment introduced in 2016.
- Notably, unlike Article 200 which explicitly mentions that the Governor shall not withhold assent after a suggested reconsideration of the bill, Article 201 has no such provisions mentioned. This means that the Bill will become law if the assent is given, but **nothing can be done if the Bill is denied assent by the President or if he makes no decision**.

Nut Graf

The recurrent instances of differences between the state legislatures and the Governors remain a cause of concern both in respect of the principle of separation of power as well as federalism. The relevant constitutional provisions should be the guiding pillar for the resolution of any such differences.

Category: INTERNATIONAL RELATIONS

1. Renewing Indo-Lanka relations after a period of strain

Syllabus: India and its Neighbourhood - Relations

Prelims: Currency swap agreement

Mains: Renewing India-Sri Lanka ties; Causes of tensions between the two neighbours

Context:

- Sri Lanka's Foreign Minister is on an official visit as part of the ongoing high-level, and increasingly frequent, bilateral engagement between India and Sri Lanka.
- Acknowledging India's recent economic assistance to Sri Lanka, he noted the **"fresh energy"** in Indo-Lanka ties after a year marked by strain and a trust deficit between the neighbours.

Renewing of ties between India and Sri Lanka:

Finalization of the Trincomalee oil tank project:

- India and Sri Lanka **inked the Trincomalee oil tank farm deal**, marking a major milestone in the long-dragging project.

India's economic aid to Sri Lanka:

- India has been **providing crucial economic support to Sri Lanka amid its ongoing economic crisis**.
 - Sri Lanka is facing a severe foreign exchange crisis which experts have pointed out might lead to a sovereign default, and a severe shortage of essentials in the import-reliant economy.
- The relief extended by India since January 2022 totals **over \$1.4 billion** —a \$400 million currency swap, a \$500 million loan deferment and a \$500 million Line of Credit for fuel imports.

Causes of tension between the two neighbours:

- The main sources of tension between India and Sri Lanka include the sudden cancellation of the 2019 agreement to jointly develop the East Container Terminal in Colombo along with Japan as well as the Palk Bay fisheries conflict and the Tamil question.

East Container Terminal:

- The bilateral relationship between the two neighbours took a downturn following Colombo's sudden decision to **unilaterally cancel a 2019 agreement to jointly develop a strategic port (East Container) terminal in Colombo** with India and Japan.

Palk Bay issue:

- The **Palk Bay fisheries conflict**, involving fishermen of Tamil Nadu and their counterparts in northern Sri Lanka has escalated in the recent past, following mid-sea clashes between fishermen from both sides. The death of two fishermen from Sri Lanka's northern Jaffna district has triggered massive protests.
- Sri Lankan fishermen protest the use of the **bottom-trawling fishing method** along their coast by Indian fishermen.
- Bilateral talks between governments and fisher leaders have proved unsuccessful so far.

Tamil question:

- The **pending political solution to Sri Lanka's Tamil question** remains another cause of concern in the bilateral relationship.

Nut Graf

Given the strategic location of Sri Lanka and its importance in India's neighbourhood first policy, the renewing of ties between India and Sri Lanka is a welcome development for India.

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: POLITY AND GOVERNANCE

1. 'NEET is discriminatory, against social justice'

Syllabus: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Mains: Critical Analysis of NEET exam and State's rights on education

Context:

The Tamil Nadu Assembly has adopted a bill seeking exemption for the state from the National Entrance-Eligibility Test.

What is the NEET Exam [National Eligibility-cum-Entrance Test]?

- The National Eligibility Entrance Test (NEET) is the qualifying test for MBBS and BDS programmes in Indian medical and dental colleges.
- It is conducted by the National Testing Agency (NTA).

Background of NEET exams:

- NEET was declared unconstitutional by the Supreme Court itself in 2013.
- In 2016, the Supreme Court recalled its 2013 judgment and considered the National Eligibility cum Entrance Test (NEET) afresh.
- On this basis, the government issued an ordinance in 2016, which implemented NEET across the country.

Why is Tamil Nadu Critical of the NEET Exam?

- Tamil Nadu considers NEET as a 'social injustice'.
- NEET is not a system established by the Constitution as its creation is mandated by the Medical Council of India.
- Tamil Nadu argues that private training institutes benefit from NEET.
- NEET is an impediment to the entitlement of poor and needy children to education.
- NEET has limited the diversity of community representation in MBBS and higher medical courses.
- Tamil Nadu considers that NEET is opposed to all of the Constitution's fundamental rights.
- The Indian Constitution is built on the principle of equality. NEET, on the other hand, is the polar opposite of equality.
- **Know more about [TN's Case Against NEET](#)** in CNA dated Sep 16, 2021.

Nut Graf

The mandatory nature of NEET on a pan-India basis seems to undermine the role of State governments in medical education. Federalism is a fundamental idea that truly safeguards the ethnic, linguistic, and

2. Rights of the weak, duties of the powerful

Syllabus: Constitution of India — significant provisions and basic structure

Mains: Concept of Rights and Duties under Jurisprudence

Context:

This article examines the interdependence of rights and duties and the significance of rights-based duties.

Right: A right is an interest recognized and it entitles permitted action by law.

Duty: A duty is an obligatory act a person has to perform in favour of another person.

How Rights and Duties are interlinked?

- Rights and duties are conceptually linked to one another. There are no rights without duties.
- If a person has the right to something, it necessarily implies that someone else has a corresponding duty to ensure that it is not violated.
- For example, if an individual has a [right to free speech](#), then it is the duty of the state to prevent its infringement.

How do rights entitle duties?

- The rights entail duties because rights cannot be exercised without the simultaneous performance of duties.
- Because of their grounding in rights, rights-based duties cannot be pitted against rights.

Duties against rights

- In deeply hierarchical, inegalitarian societies, only a few people have rights, while many have duties to ensure the proper exercise of the rights of these few.
- In patriarchal families, the father alone has the right to make decisions. This puts all other members under a duty to abide by his decision.

Connection of rights and duties with power

- Careful attention to the structure of rights and duties in inegalitarian societies reveals its deep connection to social and political power.
- A transformation from a hierarchical to an egalitarian order does not produce a power-free order.
- Equality of power ensures a system of equal rights and duties.
- Indeed, in egalitarian politics, more power means more duties.

Conclusion:

A society with people who take virtue-based, solidarity-infused duties seriously is much better than one where such duties are not valued. We all have a duty to build a tolerant society or to remain vigilant against the potential wrongs of our elected rulers.

Duties impose an obligation on all citizens, especially on those who occupy public office, to go beyond the call of rights-based duties.

Nut Graf

Rights and Duties are interrelated and people are given rights to protect them and fulfil their duties to the state. Any move to shift focus from rights to duties, to complain of undue emphasis on rights breeds the suspicion that democracy is being undermined.

Category: ECONOMY

1. Step up agri-spending, boost farm incomes

Syllabus: *Issues related to Agriculture*

Prelims: *Agriculture Orientation Index (AOI)*

Mains: *India's position on agriculture spending and concerns associated with it*

Context:

This article talks about the agriculture spending in India in the context of India's position in the Agriculture Orientation Index (AOI).

Agri-spending in India:

- The overall budgetary allocation towards the agricultural sector has marginally increased by 4.4% in the [Union Budget 2022-23](#).
- The Food and Agriculture Organization (FAO) report for 2001 to 2019 states that
 - Globally, India is among the top 10 countries in terms of government spending on agriculture.
 - India spends around 7.3% of its total government expenditure.

What is the Agriculture Orientation Index (AOI)?

- Agriculture Orientation Index (AOI) is an index that was developed as part of Goal 2 (Zero Hunger) of the 2030 Agenda for Sustainable Development in 2015.
- The AOI is calculated by dividing the agriculture share of government expenditure by the agriculture value-added share of GDP.
- It measures the ratio between government spending towards the agricultural sector and the sector's contribution to GDP.

Agriculture Orientation Index (AOI) of India:

- India's index is one of the lowest, reflecting that the spending towards the agricultural sector is not commensurate with the sector's contribution towards GDP.
- Although the AOI has shown an improvement since the mid-2000s, India's AOI is one of the lowest in Asia.
- India holds only the 38th rank in the world, despite being an agrarian economy wherein a huge population is dependent on the agricultural sector for its livelihood.

India's Comparison with Other Spending:

- Asia as a whole performs much better, with relatively higher performance by Eastern Asian countries.
- Even lower-income African countries such as Zambia, have commendable spending in the agricultural sector despite being a landlocked country.
- The enormous spending on the agricultural sector by East Asian countries is also reflected in their higher crop yield.
- Within the Asian region, Eastern Asia has the highest cereal yield.
- In China, the performance of the sector in terms of crop yield is much higher than in India.

What are the Concerns with Agri-spending in India?

- The agricultural sector shows that there has been a drastic slashing of funds toward important schemes such as crop insurance and minimum support price (MSP).
- Even with an overall increase in budgetary outlays, the allocation towards Market Intervention Scheme and Price Support Scheme (MIS-PSS) was low.
- The [Pradhan Mantri Annadata Aay SanraksHan Abhiyan \(PM-AASHA\)](#) experienced a significant reduction in 2021-22.
- The distribution of pulses to States for welfare schemes has also been reduced in the year 2021-22.
- Additionally, there is an overall reduction in total central schemes/projects, which may have serious implications for the performance of the sector.

Way Forward:

- The focus on the development of irrigation facilities, urban infrastructure and development of national highways must be complemented with the development of rural infrastructure and rural transportation facilities, along with an increase in the number of markets.
- These measures will play a crucial role in enhancing farmers' access to markets and integrating small and marginal farmers into the agricultural supply chain to a greater extent.

Nut Graf

A separate Budget for the sector at the Centre and State levels and intensification in government spending towards the agricultural sector is the key to attaining the sustainable development goals of higher agricultural growth and farm income.

F. Prelims Facts

1. Bodies of 7 missing soldiers recovered

Syllabus: *Important Geophysical phenomena such as earthquakes, tsunamis, volcanic activity, cyclones, etc.*

Avalanche:

- Snow avalanches are defined as a **sudden release of snow masses and ice on slopes down a hill or mountainside**, sometimes containing portions of rocks, soil, and vegetation.
- They are common on steep slopes and are seen after a fresh snowfall.

Context:

- A search and rescue team has recovered the bodies of seven soldiers who went missing after an avalanche near the Line of Actual Control (LAC) in the Eastern Himalayas.

G. Tidbits**1. 13 million face severe hunger in Africa: UN**

- According to the [United Nations World Food Programme](#) estimates, around **13 million people are facing severe hunger in the Horn of Africa due to drought conditions**. Drought conditions are affecting pastoral and farming communities.
- Countries like Somalia, Ethiopia and Kenya are facing the driest conditions recorded since 1981.

H. UPSC Prelims Practice Questions**Q1. Consider the following statements with regards to MGNREGA:**

1. The scheme is a demand-driven wage employment scheme, which functions under the Ministry of Panchayati Raj.
2. Every adult member of a household in a rural area with a job card is eligible for a job under the scheme.
3. It covers all districts of India except the ones with a 100% urban population.
4. Under the law, the States may make provisions for providing additional days beyond the period guaranteed under the Act from their own funds.

Choose the correct code:

- a. 1 & 2 only
- b. 2, 3 & 4 only
- c. 1, 3 & 4 only
- d. All of the above

Answer: b**Explanation:**

- The Ministry of Rural Development (MRD), Govt of India is monitoring the entire implementation of this scheme in association with state governments.

Q2. Consider the following statements with regards to Aadhar:

1. UIDAI is a statutory body working under the Ministry of Home Affairs.
2. Under the Aadhaar Act, foreigners who have stayed in India for 182 days or more in the 12 months, are eligible to apply for Aadhaar.
3. During enrolment for Aadhaar, an individual has three options for gender – Male, Female and Transgender.

Choose the correct code:

- a. 1 only
- b. 2 only
- c. 1 & 3 only
- d. 2 & 3 only

Answer: d

Explanation:

- The Unique Identification Authority of India (UIDAI) is a statutory authority and a government department, established in 2016 by the Government of India under the jurisdiction of the Ministry of Electronics and Information Technology, following the provisions of the Aadhaar Act 2016.

Q3. As per the FRBM Act, the target for Debt to GDP ratio for the central government is:

- a. 20%
- b. 40%
- c. 60%
- d. 80%

Answer: b

Explanation:

- The Fiscal Responsibility and Budget Management (FRBM) Act was enacted in 2003 which set targets for the government to reduce fiscal deficits. The targets were put off several times. In May 2016, the government set up a committee under NK Singh to review the FRBM Act.
- The committee recommends that the Centre's debt-to-GDP ratio be reduced from 49.4 per cent in 2016-17 to 40 per cent by 2022-23.

Q4. Consider the following statements with regards to the Foreign Contribution (Regulation) Act:

1. Foreign funding of persons in India is regulated under the FCRA act and is implemented by the Ministry of Home Affairs.
2. Under the Act, organisations are required to register themselves every five years.
3. The Act states that foreign contributions must be received only in an account designated by the bank as FCRA account in such branches of the State Bank of India only.

Choose the correct code:

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

Answer: d

Explanation:

- Foreign funding of persons in India is regulated under Foreign Contribution (Regulation) Act and is implemented by the Ministry of Home Affairs.
- As per the provisions of the act, organisations are required to register themselves to be able to receive foreign funding.
- As per the recent amendments to the act, foreign contributions must be received only in an account designated by the bank as FCRA account in such branches of the State Bank of India only.

Q5. "The experiment will employ a trio of spacecraft flying in formation in the shape of an equilateral triangle that has sides one million kilometres long, with lasers shining between the craft." The experiment in question refers to (UPSC-2020)

- a. Voyager-2
- b. New Horizons
- c. LISA Pathfinder
- d. Evolved LISA

Answer: d

Explanation:

- The Evolved Laser Interferometer Space Antenna (eLISA) is a mission planned that uses three separate, but not independent, interferometers installed in three spacecraft located at the corners of a triangle with sides of some 5 million km (3 million miles). This mission is to be carried out

jointly by NASA and ESA. A mission to test the technology for eLISA, LISA Pathfinder, was launched by ESA in 2015.

- This is stationed around the L1 point between the Earth and the Sun which is nearly 1.5 million km away from the Earth. The aim of the mission is to demonstrate the technology needed to establish a space-based observatory to study gravitational waves.

I. UPSC Mains Practice Questions

1. Critically examine the controversy surrounding NEET. (250 words; 15 marks)(GS Paper 2/Polity)
2. Rights and duties are conceptually linked to one another. Illustrate the debate. (250 words; 15 marks)(GS Paper 2/Polity)

